

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

UNITED STATES OF AMERICA

v.

AGHORN OPERATING, INC., et al.

NO. 7:22-CR-00049-DC

PUBLIC VERSION REDACTED

**MOTION ON CONTINUANCE OF TRIAL DATE (PARTIALLY UNOPPOSED)**  
**(UNREDACTED VERSION FILED UNDER SEAL)**

On April 16, 2024, the Court granted a continuance of the trial date in this case from July 1 to September 30, 2024. We write to provide additional information that we regrettably did not include in our motion for continuance, and to request a continuance from September 30 days as follows. The United States does not oppose an additional 30 day continuance (but opposes a longer one).

In our joint motion for continuance (doc. 92/93), we requested a trial in early 2025, because the government brought a superseding indictment on March 6 that expanded the charges and punishment – from a two-year violation largely to a 15-year conspiracy; with Clean Air Act violations at 15 oil leases with hundreds of wells rather than at one lease with about 30 wells; plus a notice of forfeiture. We are in the process of receiving new discovery and updated government expert reports, and – importantly – we now must investigate the new allegations from scratch and try to locate witnesses and documents from past years going back to 2009.

Our motion for continuance did identify a September 3 trial conflict in the Eastern

District of Texas, but we regrettably did not fully explain the conflicts with a late September date. *First*, before filing doc. 92/93, we had advised the September prosecutors that one counsel in that case [REDACTED]

[REDACTED] We heard only on April 24 that the prosecutors do not oppose a one week delay, and we are asking the Court in Sherman to accommodate that request. Of course, we do not know if that will be granted. *Second*, the Jewish Holidays of Rosh Hashana and Yom Kippur are October 3 and 12, and lead counsel for Aghorn would celebrate those holidays if possible with family in New York and New Jersey.

Third, we wish to update the Court [REDACTED]

[REDACTED]

For the reasons in document 92/93, and above, we ask the Court to grant a further continuance. The ends of justice served by a continuance outweigh the interests of the parties or the public in a trial on September 30, and more time is needed for defense preparation. The government does not oppose a continuance of 30 days but opposes a continuance longer than 30 days. The defense still requests trial in early 2025, due to the superseding indictment, and in the alternative for 30 days.

Respectfully submitted,

By: /s/Daniel Hurley

Daniel Hurley, Bar No. 10310200  
HURLEY, GUINN, SINGH & VONGONTEN  
1805 13th Street  
Lubbock, Texas 79401  
Tel: (806) 771-0700  
Fax: (806) 763-8199  
E-mail: dwh@hurleyguinn.com

/s/Brian Carney

Brian Carney  
Attorney at Law  
1202 W. Texas Ave.  
Midland, TX 79701  
(432) 686-8300  
Fax: (432) 686-1949  
Email: Brian@carneylawfirm.net

/s/Frank Sellers

Frank Sellers  
SELLERS LAW FIRM, PC  
1612 Summit Avenue, Suite 200  
Fort Worth, TX 76102  
817-928-4222  
Fax: 817-385-6715  
Email: frank@sellerstriallaw.com

**ATTORNEYS FOR TRENT DAY**

/s/ David Gerger

David Gerger, Texas Bar No. 07816360  
dgerger@ghmfirm.com  
Matt Hennessy, Texas Bar No. 00787677  
mhennessy@ghmfirm.com  
GERGER HENNESSY & MARTIN LLP  
700 Louisiana, Suite 2300  
Houston, Texas 77002  
713.224.4400 – Telephone  
713.224.5153 – Fax

s/ Marla Thompson Poirot

Marla Thompson Poirot, Texas Bar No.  
00794736  
marla@poirotlaw.com  
THE POIROT LAW FIRM, PLLC  
PO Box 25246  
Houston, Texas 77265  
713.816.1660 – Telephone

**ATTORNEYS FOR  
AGHORN OPERATING INC.**

/s/Darrell Corzine

Darrell Corzine  
KELLY MORGAN CORZINE  
& HANSEN, PC  
P.O. Box 1311  
Odessa, TX 79760  
(432) 367-7271  
Fax: 432/363-9121  
Email: dcorzine@kmdfirm.com

**ATTORNEY FOR KODIAK  
ROUSTABOUT, INC.**

**CERTIFICATE OF CONFERENCE**

The government does not oppose a continuance of 30 days but opposes a continuance longer than 30 days. The defense still requests trial in early 2025, due to the superseding indictment.

/s/ David Gerger  
David Gerger

**CERTIFICATE OF SERVICE**

I filed an unredacted version of this pleading under seal and emailed it to prosecutor Chris Costantini.

I filed a redacted version of this pleading in the Court's electronic filing system which sends notice to all parties.

/s/ David Gerger  
David Gerger